

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

STEPHEN PULLENS,

Plaintiff,

vs.

AYAJ, Mr.; MR. GEERDES, Mr.; BOYD,
Mr.; HOGAN, Ms.; NELSON, Ms.;
LOCUS, Mr.; FRAKES, Mr.; and NDCS,

Defendants.

8:21CV478

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiff's motion at [Filing No. 44](#), docketed as a Motion to Proceed in Forma Pauperis. Plaintiff requests that he be "granted Informa [sic] Pauperis status and granted any sort of relief that the court is allowed to grant." [Filing No. 44 at 2](#). Upon review, Plaintiff does not seek to proceed in forma pauperis. Instead, he again requests that the Court stop collecting his mandatory filing fee payments. Plaintiff asserts that if the Court continued to withdraw the partial filing fee payments, he will be unable to buy necessary items for prison life. [Filing No. 44 at 1-2](#).

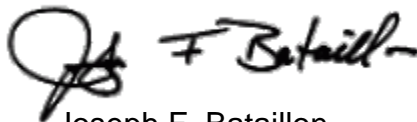
The Court has entered multiple orders, see, e.g., [Filing No. 38](#), [Filing No. 42](#), explaining to Plaintiff that a prisoner bringing a civil action or appeal in forma pauperis is required to pay the full filing fee. See [28 U.S.C. § 1915\(b\)\(1\)](#). The Court must collect the full filing fee even if it dismisses the action. See [28 U.S.C. § 1915\(e\)\(2\)](#). Because Plaintiff was granted in forma pauperis status, he is required to pay the full filing fee by making payments on an installment basis. See [28 U.S.C. § 1915\(b\)\(1\)](#); see also [In re Tyler](#), 110 F.3d 528, 529-30 (8th Cir. 1997) ("[T]he [Prison Litigation Reform Act] makes prisoners responsible for their filing fees the moment the prisoner brings a civil action or files an

appeal.”). The Court has no discretion to waive the payment requirement under the Prison Litigation Reform Act.

IT IS THEREFORE ORDERED that Plaintiff’s Motion, construed as a renewed motion to stop collection of filing fee payments, [Filing No. 44](#), is denied.

Dated this 17th day of July, 2023.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J F Bataillon", with a stylized flourish at the end.

Joseph F. Bataillon
Senior United States District Judge